

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

PRESIDENT AND FELLOWS
OF HARVARD COLLEGE, *et al.*,

Plaintiffs,

v.

U.S. DEPARTMENT OF HEALTH AND HUMAN
SERVICES, *et al.*,

Defendants.

CIVIL ACTION
1:25-cv-11048

**UNOPPOSED MOTION BY THE STATE OF IOWA AND 15 OTHER STATES FOR
LEAVE TO FILE *AMICUS CURIAE* BRIEF IN SUPPORT OF DEFENDANTS**

The States of Iowa, Alaska, Arkansas, Florida, Georgia, Indiana, Kansas, Louisiana, Missouri, Montana, Nebraska, North Dakota, Oklahoma, South Carolina, South Dakota, and Texas respectfully move for leave to submit the attached *amicus curiae* brief in support of Defendants. Proposed *amici* are States with a vested interest in ensuring federal anti-discrimination law is neutrally applied. The rise of antisemitism and antisemitic attacks across the country is troubling and Plaintiffs.

Federal district courts possess the inherent authority to accept amicus briefs. *Boston Gas Co. v. Century Indem. Co.*, 2006 WL 1738312, at *1 n.1 (D. Mass. 2006). The role of an *amicus curiae* “is to assist the court in cases of general public interest by making suggestions to the court, by providing supplementary assistance to existing counsel, and by ensuring a complete and plenary presentation of difficult issues so that the court may reach a proper decision.” *Students for Fair Admissions, Inc. v. President & Fellows of Harvard Coll.*, 308 F.R.D. 39, 52 (D. Mass.) (internal quotations omitted). Indeed, federal district courts “frequently welcome amicus briefs from non-parties concerning legal issues that have potential ramifications beyond the parties directly

involved.” *NGV Gaming, Ltd. v. Upstream Point Molate, LLC*, 355 F.Supp.2d 1061, 1067 (N.D. Cal. 2005).

No Federal Rule or statute dictates how district judges decide petitions to appear as *amicus curiae*. But most courts “look to the Federal Rules of Appellate Procedure for guidance on permitting amicus briefs.” *Friends of Animals v. United States Fish & Wildlife Serv.*, 2021 WL 4440347, at *1 (D. Utah 2021). The Federal Rules of Appellate Procedure allow a State to file an amicus brief “without the consent of the parties or leave of court.” Fed. R. App. P. 29(a)(2). That rule reveals a strong policy preference for allowing States to provide their perspective and represent their interests.

Here, the Court has entered a scheduling order that sets a date and time length by which *amici* must file their briefs. *See* Dkt. 47 (Apr. 29, 2025). *Amicus* briefs must be filed by June 23, 2025, must be no more than ten pages long, and the *amicus* must seek leave to file. *Id.* Proposed *amici curiae* States follow that order here. Plaintiffs do not oppose this motion. Defendants consent to filing this amicus.

Because of the States’s important role in our Constitutional order in our federalist system, the States have a unique perspective “that can help the court beyond the help that the lawyers for the parties are able to provide.” *Ryan v. Commodity Futures Trading Comm’n*, 125 F.3d 1062, 1064 (7th Cir. 1997). This Court would benefit from following the guidance of the Federal Rules and granting the motion.

CONCLUSION

For the above reasons, the State of Iowa and 15 other States request the Court’s leave to file an *amicus curiae* brief supporting Defendants.

Dated: June 22, 2025

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Respectfully submitted,

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CERTIFICATE OF SERVICE

I certify that on June 22, 2025, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which automatically sends email notification of such filing to registered participants. Any other counsel of record will receive the foregoing via email in PDF format.

/s/ Nathaniel M. Lindzen
NATHANIEL M. LINDZEN